CITY OF LONG BEACH CITY COUNCIL AGENDA

Gerald R. Miller, City Manager

Larry G. Herrera, City Clerk

Bonnie Lowenthal, Vice Mayor, 1st District Suja Lowenthal, 2nd District Gary DeLong, 3rd District Patrick O'Donnell, 4th District



Bob Foster, Mayor

TUESDAY, AUGUST 8, 2006 COUNCIL CHAMBER, 5:00 PM

Gerrie Schipske, 5th District Laura Richardson, 6th District Tonia Reyes Uranga, 7th District Rae Gabelich, 8th District Val Lerch, 9th District

Robert E. Shannon, City Attorney

PROCLAMATION PRESENTED TO THE YOKKAICHI JAPAN TRIO

RECOGNITION OF 2006 BLACK MANAGERS ASSOCIATION AND 2006 LATINO MANAGERS AND PROFESSIONALS ORGANIZATION SCHOLARSHIP RECIPIENTS

Ordinance No. C-7594 provides that hearings shall be set for 5:00 P.M. each Tuesday, and such hearings shall be held at the specified time for which they are set or as soon as practical regardless of the otherwise order of business of the City Council.

CONTINUED HEARINGS:

1. 06-0506

Recommendation to receive supporting documentation into the record, hold a public hearing, find that the area to be vacated is not needed for present or prospective public use; and adopt the resolution ordering the vacation of the northerly portion of the alley in the block south of Fourth Street between Orizaba and Gladys Avenues. (District 2)

see media

Office or Department: PUBLIC WORKS

Suggested Action: Approve recommendation.

Attachments: H-3sr.pdf

H-3att.pdf CH-1sr CH-1att

2. <u>06-0664</u>

Recommendation to receive supporting documentation, including the petitions, into the record, conclude the public hearing, and request the City Attorney to prepare an amendment to the Long Beach Municipal Code, modifying Preferential Parking District "R" to include the Palo Verde Avenue service road between the Atherton Street service road and Marita Street, Tevis Avenue between the Atherton Street service road and Dayman Street and Marita Street between Fanwood Avenue and San Vicente Avenue as recommended by the City Traffic Engineer. (District 4)

see media

Office or Department: PUBLIC WORKS

Suggested Action: Approve recommendation.

Attachments: H-4sr.pdf

H-4att.pdf CH-2sr CH-2att

H-2handout.pdf H-4att-protest letters

HEARINGS:

3. <u>06-0731</u>

Recommendation to receive the supporting documentation into the record, conclude the hearing and grant the Permit, with or without conditions, or deny the Permit on the application of Sara Nieblas and Mario Gutierrez, dba Broke Ass Cantina and Grill, 650 Pine Avenue, for a Permit for Entertainment Without Dancing by Patrons at an existing restaurant. (District 1)

see media

Office or Department: FINANCIAL MANAGEMENT

Suggested Action: Approve recommendation.

Attachments: H-3sr

4. <u>06-0733</u>

Recommendation to receive the supporting documentation into the record, conclude the hearing and grant the Permit, with or without conditions, or deny the Permit on the application of Fusion Nutrition Inc., dba Wasabi, 200 Pine Avenue, for a Permit for Entertainment With Dancing by Patrons at an existing restaurant. (District 2)

see media

Office or Department: FINANCIAL MANAGEMENT

Suggested Action: Approve recommendation.

Attachments: H-4sr

H-4att CH-1sr CH-1att

5. 06-0732

Recommendation to receive the supporting documentation into the record, conclude the hearing and grant the Permit, with or without conditions, or deny the Permit on the application of Beto Ramirez, dba Linda Lee's Barracuda, 2368 Santa Fe Avenue, for a Permit for Entertainment Without Dancing by Patrons (dancing by performers only) at an existing bar/tavern/lounge. (District 7)

see media

Office or Department: FINANCIAL MANAGEMENT

Suggested Action: Approve recommendation.

Attachments: H-5sr

H-5att CH-2sr CH-2att

Recommendation to receive and file the supporting documentation into the record, conduct the public hearing and adopt the ordinance to change the Zoning District for the property at 4565 California Avenue from Three-Family Residential (R-3-S) District to Commercial Automobile-Oriented (CCA) District, read the first time and laid over to the next regular meeting of the City Council for final reading (Case No. 0605-06). (District 8)

see media

Office or Department: PLANNING COMMISSION; PLANNING AND

BUILDING

Suggested Action: Approve recommendation.

Attachments: H-6att

ORD-32att

PUBLIC COMMENT: OBTAIN SPEAKER CARD FROM THE CITY CLERK

Opportunity to address the City Council (on non-agenda items) is given to the first 10 persons who submit Speaker Cards to the City Clerk beginning at 15 minutes prior to 5:00 p.m. Each speaker is allowed three minutes to make their comments.

NOTICE TO THE PUBLIC

All matters listed under the Consent Calendar are to be considered routine by the City Council and will all be enacted by one motion. There will be no separate discussion of said items unless members of the City Council, staff or the public request specific items be discussed and/or removed from the Consent Calendar for separate action. Requests by the public for separate consideration should be made to the Mayor's Office or City Clerk Department prior to the beginning of the Council meeting.

CONSENT CALENDAR: (7 - 27)

7. 06-0727 Recommendation to approve Councilmember Appointments to the

2006-2008 Authorities and Memberships.

Office or Department: MAYOR BOB FOSTER

Suggested Action: Approve recommendation.

Attachments:

8. <u>06-0724</u> Recommendation to receive and file report on attendance at the

Legislative Black Caucus Retreat in Cabazon, CA.

Office or Department: COUNCILWOMAN LAURA RICHARDSON,

SIXTH DISTRICT

Suggested Action: Approve recommendation.

Attachments: C-8sr

9. <u>06-0720</u> Recommendation to receive and file report on attendance at the League

of California Cities 2006 Mayors and Councilmembers Academy in

Monterey, CA.

Office or Department: COUNCILWOMAN LAURA RICHARDSON,

SIXTH DISTRICT

Suggested Action: Approve recommendation.

Attachments: C-9sr

10. <u>06-0725</u> Recommendation to receive and file report on attendance at the 2006

Independent Cities Association Summer Seminar in San Diego, CA.

Office or Department: COUNCILMEMBER SUJA LOWENTHAL,

SECOND DISTRICT

Suggested Action: Approve recommendation.

Attachments: C-10sr

11. <u>06-0694</u> Recommendation to authorize City Attorney to submit Compromise and

Release for approval by the Workers' Compensation Appeals Board, and if so approved, authority to pay \$71,752.59 in compliance with the

Appeals Board Order for Gary Whinery.

Office or Department: CITY ATTORNEY

Suggested Action: Approve recommendation.

Attachments: C-11sr

Recommendation to authorize City Attorney to pay sum of \$9,436.05 in full settlement of lawsuit entitled Liberty Mutual Insurance Co. v. City of Long Beach, et al.

Office or Department: CITY ATTORNEY

Suggested Action: Approve recommendation.

Attachments: C-12sr

13. 06-0717

Recommendation to authorize City Attorney to pay sum of \$10,000 in full settlement of lawsuit entitled Oralee Maxwell v. City of Long Beach, Surian Pearson, Case No. NC036941.

Office or Department: CITY ATTORNEY

Suggested Action: Approve recommendation.

Attachments: C-13sr

14. 06-0695

Recommendation to authorize City Attorney to submit Stipulations with Requests for Awards for approval by the Workers' Compensation Appeals Board, and if so approved, authority to pay in compliance with Appeals Board Order, \$131,215, with life pension of \$100.50 per week to be paid after the permanent disability has been paid in full, for claim of Aleta Freesmeier; \$10,500 for claim of Bonnie Lowenthal; \$159,677.50, with life pension of \$153.25 per week thereafter, for claim of Robert John Myers; \$6,755 for claim of Kinisimary Roberts; \$64,302.50 for claim of Jacqueline Verrett; \$67,022.50 for claim of Lance Wallace; two Stipulations with Requests for Awards for approval by the Workers' Compensation Appeals Board, and if so approved, authority to pay \$38,080, and \$30,940 for claim of Spencer Bevill; and \$53,422.50 and \$33,320 for claim of Timothy Hankey.

see media

Office or Department: CITY ATTORNEY

Suggested Action: Approve recommendation.

Attachments: C-14sr

15. <u>06-0719</u> Recommendation to adopt resolution in support of Propositions 1A

through 1E, the Infrastructure Bond Package, on the November 2006

ballot.

see media

Office or Department: CITY ATTORNEY

Suggested Action: Approve recommendation.

Attachments: C-15sr

16. <u>06-0709</u> Recommendation to refer to City Attorney damage claims received

between July 27, 2006 and August 3, 2006.

Office or Department: CITY CLERK

Suggested Action: Approve recommendation.

Attachments: C-16sr C-16att

17. <u>06-0697</u> Recommendation to authorize City Manager to enter into Memorandums

of Understanding with Toll Brothers and Williams & Dame Development, respectively, to negotiate the development of the Broadway Block.

(District 2)

see media

Office or Department: COMMUNITY DEVELOPMENT

Suggested Action: Approve recommendation.

Attachments: C-17sr

18. 06-0698

Recommendation to authorize City Manager to submit an application to the California Business, Transportation and Housing Agency for a new 15-year Enterprise Zone designation; and adopt the resolution and Enterprise Zone Manager's Duty Statement, as required by the

application. (Citywide)

Office or Department: COMMUNITY DEVELOPMENT

Suggested Action: Approve recommendation.

Attachments: C-18sr C-18att 19. <u>06-0700</u>

Recommendation to set the schedule for the workshops and hearings on the Fiscal Year 2007 (FY 07) Proposed Budget to hear presentations by the Mayor, City Manager and City Department representatives and to provide an opportunity for all interested persons to be heard regarding the Proposed Budget. (Citywide)

Office or Department: FINANCIAL MANAGEMENT

Suggested Action: Approve recommendation.

Attachments: C-19sr

20. 06-0701

Recommendation to authorize City Manager to execute a Mutual Aid Agreement with the Area E Fire Departments (cities of Compton, Downey, Montebello, La Habra Heights, Santa Fe Springs and Vernon) for the exchange of fire protection, specialized rescue and emergency medical services. (Citywide)

In an effort to maximize resources in certain circumstances, a mutual response pact of emergency resources is proposed between the City of Long Beach and the Area E Fire Departments (Area E) consisting of the cities of Compton, Downey, Montebello, La Habra Heights, Santa Fe Springs and Vernon. A Mutual Aid Agreement (Agreement) will allow fire department resources from any participating agency to respond to fire, specialized rescue and emergency medical incidents, regardless of jurisdictional boundaries. The specific details of the services to be provided under the Agreement and the general operational policies-shall be jointly determined by the Fire Chiefs for Area E and the City's Fire Chief in a separate Memorandum of Understanding. The purpose of the Agreement is to clearly state the goals and objectives of exchanging emergency resources and to properly indemnify the various parties. The City has similar agreements in place with other agencies. The Mutual Aid Agreement with Area E will remain in effect until cancelled. Written notice of termination by any party may be made after giving no less than sixty (60) days notice.

This matter was reviewed by Deputy City Attorney Richard F. Anthony on July 26, 2006 and by Budget Management Officer David Wodynski on July 28,2006.

see media

Office or Department: FIRE

Suggested Action: Approve recommendation.

Attachments: C-20sr

21. <u>06-0702</u>

Recommendation to authorize City Manager to execute a right of entry permit with Partners of Parks, a non-profit organization, to allow access to construct a playground at 14th Street Park on September 22, 2006. (District 1)

see media

Office or Department: PARKS, RECREATION AND MARINE

Suggested Action: Approve recommendation.

<u>Attachments:</u> C-21sr C-21att

22. 06-0704

Recommendation to authorize City Manager to execute a new permit with Dockside Boat and Bed, Inc., to use and occupy portions of the docks, slips and end ties in Rainbow Harbor for the purpose of operating bed and breakfast inn accommodations and charters for a three-year term, with two, three-year options to renew; and

Authorize City Manager to execute any future amendments. (District 2)

Office or Department: PARKS, RECREATION AND MARINE

Suggested Action: Approve recommendation.

Attachments: C-22sr

23. 06-0663

Recommendation to receive and file the application of Steven Suwon Choi and Young Gui Park, dba A and Cherry Liquor Market, for a person-to-person transfer of an Alcoholic Beverage Control License, at 1934 East Anaheim Street, with existing conditions. (District 4)

Office or Department: POLICE

Suggested Action: Approve recommendation.

Attachments: C-29sr.pdf

C-29att.pdf C-23sr C-23att

Recommendation to receive and file the application of Steven Suwon Choi and Young Gui Park, dba A and Cherry Liquor Market, for a person-to-person transfer of an Alcoholic Beverage Control License, at 1934 East Anaheim Street, with existing conditions. (District 4)

Office or Department: POLICE

Suggested Action: Approve recommendation.

Attachments: C-29sr.pdf

C-29att.pdf C-23sr C-23att

25. 06-0707

Recommendation to authorize City Manager to execute an agreement and any subsequent amendments with Long Beach City College for the City of Long Beach to provide supplement law enforcement services at Veterans Stadium for a period of five years for an estimated annual reimbursement of \$37,900. (District 5)

Office or Department: POLICE

Suggested Action: Approve recommendation.

Attachments: C-25sr

26. 06-0708

Recommendation to authorize City Manager to execute an agreement and any subsequent amendments with the Long Beach Public Transportation Company for the City of Long Beach to provide law enforcement services for a period of two years for an estimated annual reimbursement of \$802,000. (Citywide)

see media

Office or Department: POLICE

Suggested Action: Approve recommendation.

Attachments: C-26sr

27. 06-0734

Recommendation to approve Proclamation presented to The Yokkaichi Japan Trio.

Office or Department: LEGISLATIVE

Suggested Action: Approve recommendation.

Attachments: C-27sr

REGULAR AGENDA

DEPARTMENTAL COMMUNICATIONS:

28. 06-0728 Recommendation to modify the titles of the Federal Legislation and

Environmental Affairs Committee and the State Legislation and Environmental Affairs Committee, and create a new committee titled "Environmental Legislation"; and request City Attorney prepare the

necessary resolutions.

see media

Office or Department: MAYOR BOB FOSTER

Suggested Action: Approve recommendation.

Attachments: R-28sr

29. <u>06-0726</u> Recommendation that City Council adopt the attached Schedule of

Charter Amendment Committee Special Meetings.

see media

Office or Department: MAYOR BOB FOSTER

Suggested Action: Approve recommendation.

Attachments: R-29sr

30. <u>06-0716</u> Recommendation to request City Manager to direct the Department of

Planning and Building to explore ways to expand the existing Green

Building Program to include private development.

see media

Office or Department: COUNCILMEMBER PATRICK O'DONNELL,

FOURTH DISTRICT; VICE MAYOR BONNIE LOWENTHAL, COUNCILMEMBER, FIRST

DISTRICT

Suggested Action: Approve recommendation.

Attachments: R-30sr

Recommendation to request that the green building requirements be referred to the City Manager for a report back to City Council within 90 days to determine the feasibility and workability of a green building ordinance requiring a minimum of LEED Silver Certification, or other level of LEED Certification, for projects utilizing City funds.

see media

Office or Department: VICE MAYOR BONNIE LOWENTHAL,

COUNCILMEMBER, FIRST DISTRICT; COUNCILMEMBER PATRICK O'DONNELL.

FOURTH DISTRICT

Suggested Action: Approve recommendation.

Attachments: R-31sr

32. 06-0735

Recommendation to request the City Attorney to draft a resolution opposing the Foothill-South Toll Road on California State Parks property; and to direct the City to refrain from acquiring any bonds for, or making other financial investments in, the Foothill-South Toll Road.

see media

Office or Department: COUNCILMEMBER TONIA REYES URANGA,

SEVENTH DISTRICT

Suggested Action: Approve recommendation.

Attachments: R-32sr

33. <u>06-0711</u>

Recommendation to request City Manager prepare and send a letter to the California legislature in formal support of AB 1324 (Vargas): Vehicles: school pedestrian-bicyclist safety.

see media

Office or Department: VICE MAYOR BONNIE LOWENTHAL,

COUNCILMEMBER, FIRST DISTRICT;

COUNCILWOMAN RAE GABELICH, EIGHTH

DISTRICT

Suggested Action: Approve recommendation.

Attachments: R-33sr

34. 06-0703

Recommendation to authorize City Manager to execute all documents necessary for the acquisition, remediation and right-of-entry of a 5.05-acre site at 970 West Chester Place with the Los Angeles County Metropolitan Transportation Authority for the Drake/Chavez Greenbelt project; expend \$3,950,000 for the acquisition of the property, and receive \$888,750 for right-of-entry fee from the Los Angeles County Metropolitan Transportation Authority for the net cost of \$3,061,250, plus approximately \$45,613 in escrow and closing fees. (District 1)

see media

Office or Department: COMMUNITY DEVELOPMENT; PARKS,

RECREATION AND MARINE; PUBLIC WORKS

Suggested Action: Approve recommendation.

Attachments: R-34sr R-34att

35. 06-0605

Recommendation to authorize City Manager to execute First Amendments to Leases for Sub-Parcels 3 and 6 of Parcel Map No. 17454 with Arden Realty Limited Partnership, a Maryland limited partnership, for City-owned property at the Long Beach Airport Business Park at 5000 E. Spring Street and 4900 - 4910 Airport Plaza Drive. (District 5)

see media

Office or Department: COMMUNITY DEVELOPMENT; PUBLIC

WORKS

Suggested Action: Approve recommendation.

Attachments: R-35sr R-35att

Recommendation to approve the Fiscal Year 2006 third quarter departmental and fund budget appropriation adjustments in accordance with existing City Council policy. (Citywide)

see media

Office or Department: FINANCIAL MANAGEMENT

Suggested Action: Approve recommendation.

<u>Attachments:</u> R-36sr R-36att

37. <u>06-0699</u>

Recommendation to authorize City Manager to execute Third Amendment to Agreement No. 28297, with BonTerra Consulting, for consulting services for preparation of the Environmental Impact Report for the Airport Terminal Facilities Project, to amend the scope of work to include additional hours for the extra Planning Commission hearing and City Council appeal hearings, and preparation of the administrative record, preparation of appellant negotiation documents and to increase the "not-to-exceed amount" by \$150,000, for a total not-to-exceed amount of \$1,085,000 (District 5); and

Increase appropriation in the Airport Enterprise Fund (EF 320) and the Department of Public Works (PW) by \$150,000. (Citywide)

see media

Office or Department: PUBLIC WORKS

Suggested Action: Approve recommendation.

Attachments: r-37sr

R-37handout R-37handout.pdf

REVISED

38. 06-0705

Recommendation to adopt resolution approving the Traffic Mitigation Program Fourteenth Annual Report (Fiscal Year 2004-2005) and making findings relative thereto, and amend the Traffic Mitigation Program to add the following projects: (Citywide)

<u>Long Beach ITS</u>: Integration of various intelligent transportation system projects including but not limited to adaptive traffic signal systems, Closed Circuit Television (CCTV), and changeable message signs at key locations with the City to improve mobility and reduce traffic congestion.

<u>Anaheim/Redondo Intersection Widening</u>: Widening of the southbound approach to the intersection to install a dedicated right-turn pocket.

Alamitos/Orange/15th/16th Traffic Flow Enhancement Project: Reconfiguration of the Orange Avenue and Alamitos intersections at 15th and 16th, and installation of a new traffic signal at Alamitos/15th to improve the intersection geometrics and enhance safety.

Walnut Avenue/Alamitos/20th Intersection Reconfiguration Project: Reconfiguration and consolidation of two closely spaced intersections into one single signalized intersection to provide enhanced bicycle and pedestrian crossings while improving traffic flow.

<u>Pine Avenue Corridor Improvements</u>: Modifications to the street geometric design and traffic signals for improved traffic mobility and pedestrian safety.

<u>7th Street Corridor Improvements</u>: Installation of traffic signal interconnect and other operational improvements for improved mobility and pedestrian safety.

<u>Carson Street Corridor Improvements</u>: Installation of traffic signal interconnect and operational improvements for improved mobility and pedestrian safety.

see media

Office or Department: PUBLIC WORKS

Suggested Action: Approve recommendation.

Attachments: R-38sr

R-38att

R-38handout.pdf

ORDINANCES:

39. <u>06-0729</u> Recommendation to declare ordinance amending the daytime curfew for

minors read the first time and laid over to the next regular meeting of the

City Council for final reading. (Citywide)

see media

Office or Department: CITY ATTORNEY

Suggested Action: Approve recommendation.

Attachments: ORD-39sr

ORD-39att ORD-31att

40. 06-0688 Recommendation to declare ordinance amending the Long Beach

Municipal Code by amending Subsection 14.20.200 (C) relating to

newsracks in Belmont Shore read and adopted as read. (District 3)

see media

Office or Department: CITY ATTORNEY

Suggested Action: Approve recommendation.

Attachments: ORD-46sr.pdf

ORD-46att.pdf ORD-40att

41. 06-0657 Recommendation to declare ordinance revising Downtown Shoreline

Planned Development District (PD-6) read and adopted as read.

(District 2)

see media

Office or Department: PLANNING AND BUILDING

Suggested Action: Approve recommendation.

Attachments: H-2sr.pdf

H-2att.pdf ORD-41att

NEW BUSINESS:

New Business items are additions to the City Council Agenda subsequent to the posting of the agenda on Thursday afternoon.

42.

43.

44.

PUBLIC: IMMEDIATELY PRIOR TO ADJOURNMENT

Opportunity is given to those members of the public who have not addressed the City Council on non-agenda items. Each speaker is limited to three minutes unless extended by the City Council.

STANDING COMMITTEE REMINDERS:

Housing Authority, 4:00 P.M.

August 15, 2006 -- Economic Development and Finance Committee (Attorney/Clent) at 4:30 P.M., Council Lounge.

HEARING REMINDERS:

August 15, 2006 -- Continued Hearing regarding Appeal of Conditional Use Permit at 1925 Pacific Avenue (Store Front Church) Case No. 0508-23. (District 6)

August 15, 2006 -- Hearing regarding Entertainment Permit for Fernando Bernabe, dba Inihaw Karaoke Restaurant, located at 1950 W. Willow Street, No.A. (District 7)

August 15, 2006 -- Hearing regarding Entertainment Permit for Lucky Luke, Inc., dba Copa Cabana, located at 2688 E. South Street. (District 8)

August 15, 2006 -- Hearing regarding Congestion Management Program Resolution. (Citywide)

August 22, 2006 -- Continued Hearing regarding an Administrative Appeal of Denial of Business License application for Rancho Meat Market No. 3, located at 225 W. Anaheim Street. (District 1)

August 22, 2006 -- Continued Hearing regarding Entertainment Permit for Joanne Punch, dba Caribbean Hut, located at 701 Pine Avenue. (District 2)

August 22, 2006 -- Hearing regarding Entertainment Permit for Cafe Sevilla, located at 140 Pine Avenue. (District 2)

NOTE:

An agenda may be obtained from the City Clerk Department prior to the meeting or can be mailed if the City Clerk is provided self-addressed, stamped envelopes mailed to: City Clerk Dept., City Hall Plaza Level, 333 W. Ocean Blvd., Long Beach, CA 90802.

The City Council agenda and supporting documents are available on the Internet at www.longbeach.gov. Persons interested in obtaining an agenda via e-mail should subscribe to the City of Long Beach E-Notify System at http://www.longbeach.gov/enotify/default.asp.

Agenda items may also be reviewed in the City Clerk Department or the Plaza Level Information Desk of the Main Library and at Branch Libraries.

If language interpretation for non-English speaking persons is desired or if a special accommodation is desired pursuant to the Americans with Disabilities Act, please make your request by phone to the City Clerk Department at (562) 570-6101, by 12 noon Monday, the day prior to the Council meeting.

E-Mail correspondence regarding agenda items can be directed to cityclerk@longbeach.gov.

dvl